

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

Vincent McKinney,

Plaintiff,

v.

**ORDER**

Civil No. 08-3769 ADM/JSM

State of Minnesota; and County of Hennepin, a Minnesota Municipal Corporation, Hennepin County Sheriff's Department, a Minnesota Municipal Corporation; and Deputy Fleck an Officer of the Hennepin County Sheriff's Department, in his official capacity and in his individual capacity; and City of Minneapolis, a Minnesota Municipal Corporation, and Minneapolis Police Department, a Minnesota Municipal Corporation; and Lieutenant Dietzman, an officer of the Minneapolis Police Department, in his official capacity and in his individual capacity; and Detective Poidinger, an Officer of the Minneapolis Police Department, in his official capacity and in his individual capacity; and Detective Lunde, an Officer of the Minneapolis Police Department, in his official capacity and in his individual capacity; and Detective Bogenreif, an Officer of the Minneapolis Police Department, in his official capacity and in his individual capacity; and Allstate Insurance Company, a Minnesota Corporation, and Paul Nelson, an insurance agent of Allstate Insurance Company, in his official capacity and in his individual capacity,

Defendants.

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On November 24, 2008, the undersigned United States District Judge received Plaintiff Vincent McKinney's ("McKinney") Notice of Opposition and Opposition to U.S. District Court "Memorandum and Order" and Opposition to Defendant's Motion for Summary Judgment Pursuant to Federal Civil Procedure Rule "15(d)" and for Judgment as a "Matter of Law" in

Favor of Plaintiff Pursuant to Federal Civil Procedure Rule “56(c)” [Docket No. 39]. By Order of November 3, 2008 [Docket No. 36], the Court dismissed all Defendants except Allstate Insurance Co. and Paul Nelson. November 3, 2008 Mem. and Order. McKinney has submitted supplemental briefing and requests that the Court grant him judgment as a matter of law against all of the Defendants in the caption, including the previously dismissed Defendants, for alleged violations of various Constitutional rights and state law causes of action.

Federal Rule of Civil Procedure 15(d) allows a court to “permit a party to serve a supplemental pleading setting out any transaction, occurrence, or event that happened after the date of the pleading to be supplemented.” The Court has reviewed McKinney’s briefing, and he has failed to provide any information about a transaction, occurrence, or event that happened after either his August 25, 2008 Motion for Summary Judgment [Docket No. 15] or the Court’s November 3, 2008 Order. He has merely restated arguments from his earlier pleadings previously rejected by the Court. To the extent that McKinney asks the Court to review and overturn its prior Order, that request is denied.

Based upon the foregoing, and all of the files, records and proceedings herein, **IT IS HEREBY ORDERED** that Plaintiff Vincent McKinney's Notice of Opposition and Opposition to U.S. District Court "Memorandum and Order" and Opposition to Defendant's Motion for Summary Judgment Pursuant to Federal Civil Procedure Rule "15(d)" and for Judgment as a "Matter of Law" in Favor of Plaintiff Pursuant to Federal Civil Procedure Rule "56(c)" [Docket No. 39] is **DENIED**.

BY THE COURT:

s/Ann D. Montgomery  
ANN D. MONTGOMERY  
U.S. DISTRICT JUDGE

Dated: November 26, 2008.